

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
INQUIRY CONCERNING A JUDGE No. 04-239

CASE NO. SC05-851

JUDGE RICHARD H. ALBRITTON, JR.

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**MOTION TO STAY**

COMES NOW, Respondent, JUDGE RICHARD H. ALBRITTON, JR., by and through his undersigned counsel, and filed this Motion to Stay the scheduling of the Judge's deposition in this case and as grounds therefore would show:

1. Respondent has previously made demand for discovery materials from Special Counsel to the Judicial Qualifications Commission (hereinafter JQC) under Rule 12(b) of the Florida Judicial Qualifications Commission's Rules.
2. Special Counsel to the JQC has refused to comply with the Judge's Rule 12(b) demands.
3. As a result thereof, Respondent has filed a Motion to Compel with the Chair of the Hearing Panel which has been denied.
4. Because Respondent believes the Order on Motions to Compel is erroneous and contrary to the law, a Petition for Review by the full Hearing Panel has been filed pursuant to Rule 7(b).

5. Special Counsel, through his staff, has attempted to schedule the deposition of Judge Albritton and has indicated that Special Counsel will continue “to call every day” to set the deposition.

6. Without the requested documents to which Respondent is entitled, counsel for Respondent and Respondent cannot properly prepare for the deposition since they have been precluded from reviewing the evidence considered by the Investigative Panel in finding probable cause.

WHEREFORE, and by reason of the foregoing, Respondent respectfully requests the Hearing Panel to enter an order staying the taking of Judge Albritton’s deposition until such time as the full Hearing Panel rules on the Petition for Review or until the Florida Supreme Court reviews any subsequent related Petition regarding Respondent’s demand for discovery materials.

Respectfully submitted,

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Attorneys for Respondent

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of January, 2006, the original of the foregoing Motion to Stay has been filed via [e-file@flcourts.org](mailto:e-file@flcourts.org) and furnished by FedEx overnight delivery to:

Honorable Thomas D. Hall  
Clerk  
Supreme Court of Florida  
500 South Duval Street  
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

Ms. Brooke S. Kennerly  
Executive Director  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, Florida 32303

Judge James R. Wolf  
Chairman, Hearing Panel  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
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